

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANESH RAM,

Plaintiff,

v.

CHRISTINA PRASAD,

Defendant.

No. 2:23-cv-02168 KJM AC (PS)

ORDER TO SHOW CAUSE

On October 2, 2023, plaintiff filed this action in pro se and paid the filing fee. ECF No. 1. The case was accordingly referred to the undersigned pursuant to Local Rule 302(c)(21). The undersigned has reviewed the complaint and believes that this court lacks subject matter jurisdiction to hear plaintiff's case, and that this case must be dismissed with prejudice.

"Federal courts are courts of limited jurisdiction." Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377, (1994). In 28 U.S.C. §§ 1331 and 1332(a), "Congress granted federal courts jurisdiction over two general types of cases: cases that "aris[e] under" federal law, § 1331, and cases in which the amount in controversy exceeds \$ 75,000 and there is diversity of citizenship among the parties, § 1332(a). These jurisdictional grants are known as "federal-question jurisdiction" and "diversity jurisdiction," respectively. Home Depot U. S. A., Inc. v. Jackson, 139 S. Ct. 1743, 1746 (2019), reh'g denied, No. 17-1471, 2019 WL 3538074 (U.S. Aug. 5, 2019).

1 The complaint does not clearly allege either diversity jurisdiction or federal question
2 jurisdiction. ECF No. 1. The complaint itself does not list any legal claim at all. ECF No. 1 at 5.
3 The only explanation as to the basis for the case is written under the heading “relief” and reads as
4 follows: “On January 5th 2015 Christina ask to borrow sum of \$12,000 for her daughters
5 education and Christina agreed to make monthly payment. Christina took all my bank account
6 information so she can make payment to my account.” Id. at 6. The amount in controversy is
7 listed as \$12,000. Id. at 5. The caption of the compliant provides addresses for both plaintiff and
8 defendant; plaintiff is listed as residing in Modesto, California, and defendant is listed as residing
9 in Sacramento, California. Id. at 1. On the civil cover sheet attached to the complaint, when
10 asked to list the basis for jurisdiction, plaintiff checked the box “U.S. Government Plaintiff.”
11 ECF No. 1-1 at 1. Under “Nature of Suit” plaintiff checked the box “Truth in Lending.” Id.


12 There is no basis for diversity jurisdiction because plaintiff and defendant are both citizens
13 of California and the amount in controversy is under \$75,000. Nor does there appear to be a basis
14 for federal question jurisdiction. A case “arises under” federal law either where federal law
15 creates the cause of action or “where the vindication of a right under state law necessarily turn[s]
16 on some construction of federal law.” Republican Party of Guam v. Gutierrez, 277 F.3d 1086,
17 1088–89 (9th Cir. 2002) (quoting Franchise Tax Bd. v. Construction Laborers Vacation Trust,
18 463 U.S. 1, 8–9 (1983)). “[T]he presence or absence of federal-question jurisdiction is governed
19 by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a
20 federal question is presented on the face of the plaintiff’s properly pleaded complaint.” Id. at
21 1089 (quoting Rivet v. Regions Bank, 522 U.S. 470, 475 (1998)). Plaintiff’s complaint does not
22 clearly invoke any federal law or constitutional right. See ECF No. 1.

23 Although plaintiff appears to invoke federal question jurisdiction on the civil cover sheet,
24 the cover sheet selections do not match the contents of the compliant. Contrary to the civil
25 coversheet, it is apparent that the plaintiff is not the U.S. Government, but an individual citizen.
26 To the extent plaintiff is attempting state a claim under the Truth in Lending Act (“TILA”), this
27 federal law does not apply to the facts plaintiff listed in the compliant for many reasons. TILA is
28 a consumer protection statue that protects borrowers in their dealings with creditors. See, e.g.,

1 Yamamoto v. Bank of New York, 329 F.3d 1167, 1170 (9th Cir. 2003) (“TILA was enacted in
2 1968 ‘to assure a meaningful disclosure of credit terms so that the consumer will be able to
3 compare more readily the various credit terms available to him and avoid the uninformed use of
4 credit.’ 15 U.S.C. § 1601(a).”). Here, it appears plaintiff is the lender, and plaintiff loaned money
5 to the defendant via a private agreement. There is no TILA claim available to plaintiff based on
6 the facts alleged.

7 Good cause appearing, IT IS HEREBY ORDERED that plaintiff shall show cause, in
8 writing, no later than October 18, 2023, why this court has subject matter jurisdiction over his
9 case. If plaintiff fails to timely respond, the court will recommend dismissal of his case with
10 prejudice for lack of subject matter jurisdiction.

11 DATED: October 2, 2023

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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